

**RUTAN & TUCKER LLP**

Attorneys at Law

611 Anton Boulevard, 14th Floor

Costa Mesa California 92626-1931

Mailing Address: Post Office Box 1950, Costa Mesa, California 92628-1950

Telephone: 714.641.5100

Facsimile 714.546.9035

**RECEIVED  
CENTRAL FAX CENTER****JUL 25 2005****FACSIMILE TRANSMISSION**DATE: **JULY 25, 2005**

TO:

Hard Copy to Follow via Mail: **NO**

NAME	FAX NO.	PHONE NO.
<b>USPTO Examiner Francis Palo</b> <b>Group No. 3644</b>	<b>703-872-9306</b>	<b>571-272-6907</b>

FROM: **Jacquelyn Campbell - 2279**RE: **U.S. Patent Application No. 09/317303**  
**Unitary Configured Bird Repellent Apparatus**  
**Bruce Donoho**CLIENT/MATTER No.: **100745.0021US1**NUMBER OF PAGES, INCLUDING COVER: **8**

MESSAGE:

**Please see attached Response to Office Action. Thanks.**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE TO DELIVER THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

If there are problems receiving this Fax Transmittal please call 714.641.5100, Ext. 1235

2279/100745.0021US1-  
200/00/00

Practitioner's Docket No. 100745.0021US1

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bruce Donoho

Application No.: 09/317,303

Group No.: 3644

Filed: 05/24/1999

Examiner: Palo, Francis T.

For: Unitary Configured Bird Repellent Apparatus

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT TRANSMITTAL

- 1 Transmitted herewith is an amendment for this application.

## STATUS

- 2 Applicant is a small entity. A statement was already filed.

## EXTENSION OF TERM

- 3 The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being

## MAILING

G deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

G with sufficient postage as first class mail

37 C.F.R. § 1.10\*

G as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (703) 872 - 9306.

Date

7/25/05

Signature

Jacquelyn Campbell

(type or print name of person certifying)

\* Only the date of filing ( \* 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under \* 1.8 continues to be taken into account in determining timeliness. See \* 1.703(f). Consider "Express Mail Post Office to Addressee" ( \* 1.10) or facsimile transmission ( \* 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Amendment Transmittal—page 1 of 2

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	24	- 25	= 0	x \$ 25.00	= \$	0.00	
INDEP.	2	- 3	= 0	x \$ 100.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	

No additional fee for claims is required.

**FEE DEFICIENCY**

5. If an additional extension and/or fee is required, charge Account No. 502191.

If an additional fee for claims is required, charge Account No. 502191.

Date: July 25, 2005

*Anthony King*

Anthony King  
Registration No. 49063  
Rutan & Tucker, LLP  
611 Anton Blvd.  
Suite 1400  
Costa Mesa, CA 92626  
US  
714-641-5100  
Customer No. 34284

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450**

Appl No.: 09/317303  
Applicant: Bruce Donoho  
Filing Date: 5/24/99  
Art Unit: 3644  
Examiner: F. Palo  
  
Attorney Docket No.: 100745.0021US1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

This paper responds to the Office Action dated April 26, 2005. Please enter the amendments shown herein.

The applicant wishes to thank the Examiner for his helpful suggestion in the Office Action.

- Claim amendments begin on page 2;
- Remarks begin on page 5.